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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,928	11/19/2003	James VanCleave	72793/00015	6424
23380 7590 02/20/2009 TUCKER ELLIS & WEST LLP 1150 HUNTINGTON BUILDING 925 EUCLID AVENUE CLEVELAND, OH 44115-1414				
EXAMINER SENFIL BEHROOZ M				
ART UNIT 2621		PAPER NUMBER		
NOTIFICATION DATE 02/20/2009		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@tuckerellis.com
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Office Action Summary

Application No.

10/716,928

Applicant(s)

VANCLEAVE ET AL.

Examiner

BEHROOZ SENFI

Art Unit

2621

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 38, 41 and 42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 38, 41 and 42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/14/2009 has been entered.

Response to Amendment

2. Applicant's arguments, filed 1/14/2009 with respect to claims 38 and 41-42 have been considered but are moot in view of the new ground(s) of rejection.

Claims 1-37, 39-40 and 43-44 have been canceled.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 38 and 41-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Enright et al. (US 7,389,914) in view of Egami et al. (US 2004/0164141).

Regarding claim 38, Enright discloses, a fraud identification and recovery system (i.e., figs. 1-2, automatic banking machine 10 and transaction record system as shown in fig. 2, consider as fraud identification and recovery system) comprising; a user

interface (i.e., the ATM 12 in fig. 1 consider as user interface) including a generally planar video display panel having a viewing area on one side thereof (i.e., figs. 1 and 10, the ATM 12 or 146 includes planar video display panel, screen display of the ATM, col. 26, lines 12-13) and at least one data input device (i.e., fig. 1, data input device 16, col. 10, lines 52-55), a digital camera having a lens defining a field of vision relative thereto (i.e., fig. 1, digital camera 24 has a lens to define a field of view, col. 11, lines 6-14 and lines 39-41), means adapted for securing the digital camera proximate to the display panel on a side opposite the viewing area such that the field of vision thereof is directed to the viewing area (i.e., fig. 1, shows the schematic adapted for positioning/securing the camera 24 proximate to the display panel of the ATM 10 to have a field of vision directed to the viewing area, col. 11, lines 6-13 and 39-41), means adapted for obscuring the digital camera from perception from within the viewing area (i.e., fig. 1, camera 24, col. 11, lines 6-10, indicating camera 24 is positioned behind, e.g., obscure, the fascia of the ATM), sensing means adapted for sensing data input on the data input device (i.e., fig. 1, the touch screen inputs adapted for sensing data input on the input device 16, col. 10, lines 53-55), means adapted for receiving digital visual content from a first storage area of an associated data storage (i.e., in another embodiment, fig. 10, ATM 146 includes the image server 166 adapted for receiving image data, e.g., visual content, from the associated data storage 168 which communicates with servers 154 and 152 with associated storage), display generation means adapted for generating a display corresponding to received digital visual content on the display panel in accordance with an output of the sensing means (i.e., fig. 1,

display of the ATM is adapted for generating a display corresponding to received digital content in accordance with an output of the function keys or touch screen inputs and also card reader, e.g., consider as sensing means, col. 10, lines 53-55, col. 26, lines 12-13), means adapted for enabling the digital camera after activation of the display generation means (i.e., figs. 1 and 6, illustrates the digital camera 24 which is adapted to capture images after activation of the display generation, col. 4, lines 22-25 and 30-38 and col. 19, lines 13-25 and col. 20, lines 15-28), means adapted for acquiring a digital image from the viewing area via the digital camera upon activation thereof (i.e., figs. 1, 10-12 and 28 illustrates different embodiment of digital camera set up adapted for acquiring a digital image from the viewing area upon activation), and means adapted for storing an acquired digital image (i.e., col. 1, lines 21-29, col. 4, lines 14-17 and lines 65-col. 5, lines 10 discloses means adapted for storing acquired digital images), means adapted for storing, and means adapted for receiving user identification and means adapted for selecting the digital visual content in accordance with received user identification data so as to include at least one of information data and advertising data directed to the user (i.e., based on, fig. 1, elements 14-22 receive the user identification data and col. 6, lines 9-36 of Enright meets the alternative claim language).

Although Enright discloses, securing plurality of digital cameras having field of view for capturing images in response to triggering event, thus covers the at least one additional digital camera (i.e., fig. 1, cameras 24 and 26, col. 4, lines 34-38). Enright is silent in regards to explicit of; means adapted for securing each at least one additional digital camera proximate to the display panel on a side opposite the viewing area such

that each camera has a field of vision thereof that is directed to a unique relative viewing area; means adapted for obscuring each at least one additional digital camera from perception from within the viewing area; means adapted for enabling each at least one additional digital camera after activation of the display generation means; means adapted for acquiring a digital image from the viewing area via each additional digital camera upon activation thereof.

However, Egami (i.e., fig. 3b, cameras 6 and 8, camera 8 is consider as additional digital camera, page 3, paragraphs 0039 and 0046) teaches means adapted for securing additional camera proximate to the display panel on a side opposite the viewing area (i.e., fig. 3B, securing camera 8) such that each camera, i.e., camera 8, has a field of vision thereof that is directed to a unique relative viewing area (i.e., fig. 5B, video captured from customer 7 by the camera 8, page 3, paragraph 0046) and means adapted for obscuring each additional digital camera from perception from within the viewing area (i.e., fig. 3B, page 3, paragraph 0039, indicating camera 8 is hidden by the shutter and not visible from the outside) and means adapted for enabling each additional digital camera after activation of the display generation means (i.e., figs. 3B and 5B, cameras adapted for activating to capture image when the shutter is opened or when the sensors detect the insertion of customer hand, page 1, paragraphs 0007-0008, page 3, paragraph 0046) and means adapted for acquiring digital image from the viewing area via each additional digital camera upon activation thereof (i.e., figs. 3B and 5B, cameras 6 and 8 are adapted for acquiring digital image from the viewing area

when the shutter opened or sensors detect the insertion of a hand, e.g., activate the cameras, page 1, paragraphs 0007-0008, page 3, paragraph 0046).

In view of the above, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify the image capturing system of Enright in accordance with the teaching of Egami by incorporating nonvisible additional security camera proximate to the display panel to capture images of the state of motion of the hands of the customers, as suggested by Egami (i.e., page 1, paragraph 0004, 5-6).

Regarding claim 41, the combination of Enright and Egami teaches, wherein each camera is positioned at a unique angle relative to the viewing area (i.e., as shown in fig. 1, cameras 24, 26, 28 and 30 are positioned at a unique angle relative to their viewing area).

Regarding claim 42, A method of fraud identification and recovery (i.e., figs. 1-2, automatic banking machine 10 and transaction record as shown in fig. 2, consider as fraud identification and recovery method) comprising the steps of: securing a digital camera proximate to a display panel on a first side an associated viewing area of a device user interface such that a device user's field of vision is directed to a viewing area on an opposite side of the display panel (i.e., fig. 1, shows the schematic for positioning/securing the camera 24 proximate to a display panel of the ATM 10 on a first side an associated viewing area of a device user interface, please see fig. 1, such that a device user's field of vision is directed to a viewing area on an opposite side of the display panel, see fig. 1, the field of vision of camera 24 is directed to a viewing area

opposite side of the display panel, col. 11, lines 6-13 and 39-41), obscuring a digital camera from perception from within the viewing area (i.e., fig. 1, camera 24, col. 11, lines 6-10, indicating camera 24 is positioned behind, e.g., obscure, the fascia of the ATM), directing the digital camera to the first side of the viewing area (i.e., fig. 1, the digital camera 24 is directed to the first side of the viewing area, which is the area opposite side of the display panel), sensing data input on a data input device associated with the device user interface (i.e., fig. 1, the touch screen inputs for sensing data input on the input device 16, col. 10, lines 53-55), receiving digital visual content from a first storage area of an associated data storage (i.e., in another embodiment, fig. 10, ATM 146 includes the image server 166 for receiving image data, e.g., visual content, from the associated data storage 168 which communicates with servers 154 and 152 with associated storage), generating a display corresponding to received digital visual content on the display panel in accordance with an output of the sensing (i.e., fig. 1, display of the ATM for generating a display corresponding to received digital content in accordance with an output of the function keys or touch screen inputs and also card reader, e.g., consider as sensing means, col. 10, lines 53-55, col. 26, lines 12-13), enabling the digital camera after activation of the display generation (i.e., figs. 1 and 6, illustrates the digital camera 24 used to capture images after activation of the display generation, col. 4, lines 22-25 and 30-38 and col. 19, lines 13-25 and col. 20, lines 15-28), acquiring a digital image from the viewing area via the digital camera upon activation thereof (i.e., figs. 1, 10-12 and 28 illustrates different embodiment of digital camera set up for acquiring digital image from the viewing area upon activation), storing

an acquired digital image (i.e., col. 1, lines 21-29, col. 4, lines 14-17 and lines 65-col. 5, lines 10 discloses storing acquired digital images), receiving user identification data, and selecting the digital visual content in accordance with received user identification data so as to include at least one of information data and advertising data directed to the user (i.e., based on, fig. 1, elements 14-22 receive the user identification data and col. 6, lines 9-36 of Enright meets the alternative claim language).

Although Enright discloses, securing plurality of digital cameras having field of view for capturing images in response to triggering event, thus covers at least one additional digital camera (i.e., fig. 1, cameras 24 and 26, col. 4, lines 34-38). Enright is silent in regards to explicit of; securing at least one additional digital camera proximate to the display panel on a side opposite the viewing area such that each at least one additional camera has a field of vision thereof that is directed to a unique relative viewing area; obscuring each at least one additional digital camera from perception from within the viewing area; enabling each at least one additional digital camera after activation of the display generation; acquiring digital image from the viewing area via each additional digital camera upon activation thereof.

However, Egami (i.e., fig. 3b, cameras 6 and 8, camera 8 is consider as additional digital camera, page 3, paragraphs 0039 and 0046) teaches means adapted for securing additional camera proximate to the display panel on a side opposite the viewing area (i.e., fig. 3B, securing camera 8) such that each camera, i.e., camera 8, has a field of vision thereof that is directed to a unique relative viewing area (i.e., fig. 5B, video captured from customer 7 by the camera 8, page 3, paragraph 0046) and means

adapted for obscuring each additional digital camera from perception from within the viewing area (i.e., fig. 3B, page 3, paragraph 0039, indicating camera 8 is hidden by the shutter and not visible from the outside) and means adapted for enabling each additional digital camera after activation of the display generation means (i.e., figs. 3B and 5B, cameras adapted for activating to capture image when the shutter is opened or when the sensors detect the insertion of customer hand, page 1, paragraphs 0007-0008, page 3, paragraph 0046) and means adapted for acquiring digital image from the viewing area via each additional digital camera upon activation thereof (i.e., figs. 3B and 5B, cameras 6 and 8 are adapted for acquiring digital image from the viewing area when the shutter opened or sensors detect the insertion of a hand, e.g., activate the cameras, page 1, paragraphs 0007-0008, page 3, paragraph 0046).

In view of the above, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify the image capturing system of Enright in accordance with the teaching of Egami by incorporating nonvisible additional security camera proximate to the display panel to capture images of the state of motion of the hands of the customers, as suggested by Egami (i.e., page 1, paragraph 0004, 5-6).

Contact

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Behrooz Senfi whose telephone number is 571-272-7339. The examiner can normally be reached on M-F 7:00-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on 571-272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Behrooz Senfi/
Primary Examiner
Art Unit 2621